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## LOBBYING AND LOBBYIST ACTIVITY POLICY

### APPROVALS

<b>POLICY NUMBER</b>	CORP-POL-109	<b>DOC.ID</b>	4656200
<b>CATEGORY</b>	Statutory		
<b>POLICY OWNER</b>	Manager Governance & Corporate Services		
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## OBJECTIVE

The purpose of this policy is to assist Councillors and employees in complying with requirements of the *Integrity Act 2009* as it pertains to Lobbyists and Lobbying Activity.

## SCOPE

The policy applies to:

- All Councillors and employees of Isaac Regional Council.
- All contractors of the Isaac Regional Council.

## DEFINITIONS

Under the *Integrity Act 2009* the following definitions will apply.

TERM / ACRONYM	MEANING
Contact	Includes telephone contact, email contact, written mail contact and face-to-face contact.
Councillor	Is a Councillor of the Local Government, including the Mayor, within the meaning of the <i>Local Government Act 2009</i> .
Developer	An applicant for development approval. If the applicant is a body corporate, the term includes officer holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.
Former Senior Government Representative	<ol style="list-style-type: none"><li>a Councillor</li><li>a Public Senior Officer</li></ol>
Government Representative	Each of the following people is a government Representative – <ol style="list-style-type: none"><li>the Premier or another Minister;</li><li>a Parliamentary Secretary;</li><li>a councillor;</li><li>a public sector officer;</li><li>a ministerial staff member;</li><li>a parliamentary secretary staff member.</li></ol>
Incidental Lobbying Activities	An entity carries out incidental lobbying activities if the entity undertakes or carries on a business primarily intended to allow individuals to undertake,

a technical or professional occupation in which lobbying activities are occasional only and incidental to the provision of professional or technical services.

For example: an entity carrying on the business of providing architectural services as, or by using, a practising architect under the *Architects Act 2002*.

## Lobbying Activity

Is contact with a government representative in an effort to influence State or local government decision-making, including –

- a. the making or amendment of legislation; and
- b. the development or amendment of a government policy or program; and
- c. the awarding of a government contract or grant; and  
the allocation of funding; and
- d. the making of a decision about planning or giving of a development approval under the *Sustainable Planning Act 2009*.

However, the following contact is not a lobbying activity –

- a. contact with a committee of the Legislative Assembly or a local government;
- b. contact with a member of the Legislative Assembly, or a councillor, in his or her capacity as a local representative on a constituency matter;
- c. contact in response to a call for submissions;
- d. petitions or contact of a grassroots campaign nature in an attempt to influence a government policy or decision;
- e. contact in response to a request for tender;
- f. statements made in a public forum;
- g. responses to requests by government representatives for information;
- h. incidental meetings beyond the control of a government representative;

*Example – A Minister speaks at a conference and has an unscheduled*

*discussion with a lobbyist who is a conference participant.*

- i. contact on non-business issues, for example, issues not relating to a client of the lobbyist or the lobbyists' sector.

## Lobbyist

1. Is an entity that carries out a lobbying activity for a third-party client or whose employees or contractors carry out a lobbying activity for a third party client. To remove any doubt, it is declared that a lobbying activity may be carried out for a third-party client even though no fees are payable for carrying out the lobbying activity.
2. However, none of the following entities is a lobbyist –
  - a. a non-profit entity;
  - b. an entity constituted to represent the interests of its members;  
*Examples –*
    - *an employer group*
    - *a trade union*
    - *a professional body, for example, the Queensland Law Society*
  - c. members of trade delegations visiting Queensland;
  - d. an entity carrying out incidental lobbying activities;
  - e. an entity carrying out a lobbying activity only for the purpose of representing the entity's own interests.
3. Also –
  - a. an employee or contractor of, or person otherwise engaged by, an entity mentioned in subsection (2) (a) to (d) is not a lobbyist in relation to contact carried out for the entity; and
  - b. an employee of an entity mentioned in subsection (2)(e) is not a lobbyist in relation to contact carried out for the entity.

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Lobbyist Code of Conduct	Is the code, approved under section 68 of the Act, of conduct for lobbyist in relation to lobbying activities. The code operates in addition to the act and provides for standards of conduct with which lobbyist must comply.
Lobbyist Register	Is the register under section 49, of lobbyist registered under this Act.
Public Sector Officer	Is the chief executive of, or a person employed by, one of the following entities – <ul style="list-style-type: none"><li>a. a department;</li><li>b. a public service officer;</li><li>c. a registry or other administrative office of a court or tribunal;</li><li>d. a local government.</li></ul>
Related Lobbying Activity	For a senior government representative means a lobbying activity relating to the former senior government representative's official dealings as a government representative in the two years before becoming a former senior government representative.
Senior Executive Equivalent	Means an employee, other than a chief executive, whose remuneration is equal to or greater than the remuneration payable to a senior executive.
Submitter	As defined in the <i>Planning Act 2016</i> . Submitter, for a development application or change application, a person who makes a properly made submission about the application.

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## POLICY STATEMENT

### BACKGROUND AND CONTEXT

Under the *Integrity Act 2009* Council is required to ensure that it does not participate in “lobbying activities” with unregistered lobbyists, and/or participate in “related lobbying activities” with unregistered lobbyists and/or, participate in “related lobbying activities” with a former senior government representative” of less than two years post government employment separation.

Under section 71(2) of the *Integrity Act 2009* (the Act) a government representative must not knowingly meet with an entity that is not a registered lobbyist if the entity intends to carry out lobbying activity for a third party.

A Councillor or Council Officer who knowingly and intentionally participates in lobbying activities with a person who is not on the lobbyist register may be deemed to have breached section 71 of the *Integrity Act 2009*.

The overall purpose of the Act is to encourage confidence in public institutions by –

- a. helping Ministers, members of the Legislative Assembly, and others to deal appropriately with ethics or integrity issues; and
- b. regulating contact between lobbyists and State or local government representatives so that lobbying is conducted in accordance with public expectations of transparency and integrity.

## PROCEDURES

Under the Act the following procedures regarding contact and dealing with lobbyists are to apply.

### Dealing with Lobbyists

Councillors and employees must ensure that their meetings with lobbyists comply with the requirements of the Act. However, it may not always be evident whether employees of lobbyists or consultants come within the Act's scope. Therefore, all staff should follow the protocol set out below when any representative seeks to meet them.

- Inform them that council is bound by the Integrity Act.
- Ask them if they or others attending the meeting are the lobbyist and if so, are they registered on the lobbyist register?
- Ask if any other representative attending were senior government representatives within the past two years and if yes, ask if they are on the lobbyist register?
- Check and ensure they are on the lobbyist register.

If the person seeking to carry out lobbying activities is not a registered lobbyist, and the officer has reasonable suspicion that the entity is carrying out a lobbying activity, Councillors and Council officers must decline to have further contact with them until they are included on the lobbyist register.

### Meeting or Exchanging other Communication with Potential Developers and Lobbyists (where no proposal presently before Council)

Councillors or employees may encourage responsible and appropriate development in Council's area. Councillors or employees should not feel inhibited, in any communications, with potential developers and lobbyists (for a potential development), in promoting the benefits of developing in Council's local government area.

However, in dealings with potential developers and lobbyists (for a potential development), Councillors and employees:

- a. Can provide general information on the application process but cannot give definitive advice about the chances of success;

- b. Should suggest that the developer or lobbyist seeks independent professional advice;
- c. If applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with Council employees; and
- d. Must state that any opinions expressed by the Councillor or employee are personal and do not in any way represent the Council's possible attitude to the potential application.

Similarly, in relation to potential submitters to a development application, Councillors and employees should not feel inhibited about discussing what is publicly known about a potential development application.

Councillors and employees:

- a. Can provide general information on the application process but cannot give definitive advice about the chances of success;
- b. Should suggest that the submitter seeks independent professional advice; and
- c. Must state that any opinions expressed by the Councillor or relevant employee are personal and do not in any way represent the Council's possible attitude to the potential application.

### **Meetings (after a development application has been lodged)**

If a Councillor or employee engages in telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter (where they are seeking the Councillor's or employee's support or opposition, as the case may be, to a development application), any such response from the Councillor or employee shall include the following statements:

- a. That any opinions expressed by the Councillor or employee are personal and do not in any way represent the Council's possible attitude to the development application;
- b. In relation to Council's possible decision on the application, that the Councillor's or employee's principal obligation is to serve the public interest by ensuring that his/her decision is:
  - i. Consistent with planning legislation, Council's planning scheme and policies;
  - ii. Made after having appropriate regard to any Council employee's (or Council appointed consultant's) advice; and
  - iii. Not influenced by any other irrelevant or inappropriate consideration; and
- c. Councillors and employees shall keep a written record of any such communications.

### **Where to check the register**

Councillors and Council officers are encouraged to check that the details provided by the lobbyist are correct by checking the lobbyist register <http://www.integrity.qld.gov.au> to confirm that the person and client in question are registered.



## Recording contact with a lobbyist

Council is required under the *Integrity Act 2009* to maintain a record of all contact with both registered and unregistered lobbyists.

All staff and Councillors are to take responsibility for monitoring their contact with registered and unregistered lobbyists:

4. **Staff members working in the Planning and Development Division** - are to report the contact to the Manager of Liveability and Sustainability for recording in Council's lobbyist contact register.
5. **All other staff** - are to report the contact to the Manager Governance & Corporate Services for recording in Council's lobbyists contact register.
6. **Councillors** - are to report any contact with lobbyists to the Coordinator – Executive Support for recording in the lobbyist contact register.
7. **Information to be recorded includes:**
  - Date/time of Contact.
  - Name and Title of Principal Department Officer.
  - Method of contact - (for example, face to face meeting, telephone call, exchange of emails or exchange of correspondence)
  - Purpose of contact.
  - List of all other Public Officials present.
  - Name of Registered Lobbyist (including all lobbyists present).
  - Client of lobbyist (including the name of all present).
  - Brief description of the issue/summary of the matters raised.
  - Outcome of contact/summary of the response.

## LEGISLATIONS AND RELATED GUIDELINES

- Queensland Contact with Lobbyists Code of Conduct
- Councillors Code of Conduct
- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*

## REFERENCES

ID	NAME
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Page 8 of 9



# POLICY

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CORP-POL-079	Code of Conduct
CORP-FRM-404	Lobbyist Contact Form

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